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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,311	10/01/1999	JAMES EDWIN HAILEY	RCA88751	5785
24498	7590	08/23/2004	EXAMINER	
THOMSON MULTIMEDIA LICENSING INC			LONSBERRY, HUNTER B	
JOSEPH S TRIPOLI			ART UNIT	PAPER NUMBER
PO BOX 5312			2611	
2 INDEPENDENCE WAY				
PRINCETON, NJ 08543-5312			DATE MAILED: 08/23/2004	

15

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/402,311	HAILEY ET AL.
	Examiner	Art Unit
	Hunter B. Lonsberry	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 June 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 23-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 23-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>13</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments, see response , filed 6/17/04, with respect to the rejection(s) of claim(s) 23-34 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the combination of U.S. Patent 6,018,764 to Field and U.S. Patent 5,778,181 to Hidary.

1) Applicant argues that there is nothing in Field or Eyer to be combined with Hidary and that hindsight was used to create the combination.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In this case both Field and Hidary disclose the use of MPEG2 video. Field discloses the transmission of both video and html data with PIDs as required by the invention, but fails to disclose timing data needed to associate the two streams together. Hidary discloses an MPEG system that transmits URLs, which are used to retrieve supplemental HTML information, timing data associated with

Art Unit: 2611

the URLs is used to synchronize the video and supplemental data streams for display. The combination of Field and Hidary would result in a digital transmission system that transmits Internet and video streams, and synchronizes them for a composite display at a user's receiver as required by claim 23.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent 6,018,764 to Field.

Regarding claim 32, Field discloses a system for processing data received from an MPEG 2 compatible transport stream (column 5, lines 3-23)

A packet identifier selection decoder (table data processor 207, column 7, lines 27-41)

coupled to a transport decoder (demux 205) which identifies a PID for first and second data and (column 5, line 57-column 6, line 27, lines 57-67, column 7, lines 27-41)

Art Unit: 2611

program mapping table data is stored within decoder 184 and is utilized to id the first packet as video data and second packet as Internet data (column 6, lines 40-53, 57-67). Field inherently includes a program map as Field discloses the use of MPEG 2 video, and discloses that the Internet data is formatted with PIDs when transmitted with MPEG 2 (column 6, lines 7-14). A program map table is required so that the decoder knows what stream carries a particular MPEG program or carries data in an MPEG formatted stream.

a video decoder 240 processes the first packet (column 6, lines 43-47)

a HTML decoder 215 processes the second packet... (column 7, lines 60-65),

a controller 225 coupled to the video decoder 240 and HTML decoder 215 directs packets to the decoders and controls their operation (column 6, lines 63-67)

a display processor (combiner 250 combines the output of the video and html decodes as a composite image (column 7, line 66-column 8, line 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field.

Regarding claim 33 , Field discloses an html-enabled decoder, which receives MPEG video.

Field does not disclose the use of an ATSC HDTV compliant television signal.

The examiner takes official notice that the use of ATSC HDTV compliant video is notoriously well known in the art. HDTV provides a more detailed picture than the NTSC standard and allows a user to view images with more clarity.

Therefore, it would have been obvious to one skilled in the art, at the time of invention to modify Field to utilize HDTV compliant video, in order to provide a user with a higher quality picture that is clearer and allows the user to view a program in more detail.

4. Claims 23-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,778,181 to Hidary.

Regarding claims 23 and 34, Field discloses a method for processing data received from an MPEG 2 compatible transport stream (column 5, lines 3-23)

Demultiplexing the data via demux 205 by identifying a PID for first and second data (column 5, line 57-column 6, line 27, lines 57-67, column 7, lines 27-41)

Art Unit: 2611

Utilizing program mapping table data stored in a decoder 184 to id the first packet as video data and second packet as Internet data (column 6, lines 40-53, 57-67). Field inherently includes a program map as Field discloses the use of MPEG 2 video, and discloses that the Internet data is formatted with PIDs when transmitted with MPEG 2 (column 6, lines 7-14). A program map table is required so that the decoder knows what stream carries a particular MPEG program or carries data in an MPEG formatted stream.

The first packet is processed by a video decoder 240 (column 6, lines 43-47)

The second packet processed by a processor 215... (column 7, lines 60-65)

The video may be combined together (column 7, line 66-column 8, line 3).

Field does not disclose utilizing timing information or synchronization information to associate the video and Internet data.

Hiday discloses a system in which received URLs have time stamps (synchronization information) which indicate when the associated webpages should be synchronized (column 3, lines 64-67, abstract) and displayed with the video, video may be broadcast or received from a DVD in MPEG2 form (column 3, lines 46-50, column 4, lines 12-18, line 64-column 5, line 13, line 41-column 6, line 24), the synchronized video and supplemental web information are displayed simultaneously and enable a viewer to learn more about the program they are watching (column 6, lines 4-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the HTML enabled device of Field to simultaneously display video data and related supplemental information as disclosed by Hidary, thus enabling a user to learn more about the program they are watching and profoundly enriches the viewing and learning experience of the user (Hidary, column 6, lines 23-25).

Regarding claims 24 and 25, Field discloses that the Internet information identified via packet ids (column 7, lines 27-41). Field inherently utilizes packet Ids headers for video information as Field discloses the use of the MPEG 2 video standard (column 5, lines 15-22).

Regarding claim 26, Field discloses the use of a web browser to display HTML data (column 7, lines 60-column 8, line 4).

Regarding claim 27, Field and Hidary disclose an html-enabled decoder, which receives MPEG video.

Field and Hidary do not disclose the use of a HDTV compliant television signal.

The examiner takes official notice that the use of HDTV compliant video is notoriously well known in the art. HDTV provides a more detailed picture than the NTSC standard and allows a user to view images with more clarity.

Therefore, it would have been obvious to one skilled in the art, at the time of invention to modify Field and Hidary to utilize HDTV compliant video, in order

Art Unit: 2611

to provide a user with a higher quality picture, which is clearer and allows the user to view a program in more detail.

Regarding claim 28 , Hidary discloses a system in which received URLs have time stamps which indicate when the webpages associated with the URLs should be synchronized (column 3, lines 64-67, abstract) and displayed with the video, video may be broadcast or received from a DVD in MPEG2 form (column 3, lines 46-50, column 4, lines 12-18, line 64-column 5, line 13, line 41-column 6, line 24).

Regarding claims 29-31, Hidary discloses a system in which received URLs have time stamps which indicate when the webpages associated with the URLs should be synchronized (column 3, lines 64-67) and displayed with the video, video may be broadcast or received from a DVD in MPEG2 form (column 3, lines 46-50, column 4, lines 12-18, line 64-column 5, line 13, line 41-column 6, line 24), the synchronized video and supplemental web info are displayed simultaneously and enable a viewer to learn more about the program they are watching (column 6, lines 4-25).

The combination of Field and Hidary inherently contains a program map which associates the video with the corresponding Internet information, as Hidary discloses that the video may be MPEG 2 video (column 3, 47-51) and Field includes a program map as Field discloses the use of MPEG 2 video, and discloses that the Internet data is formatted with PIDs when transmitted with

Art Unit: 2611

MPEG 2 (column 6, lines 7-14). A program map table is required so that the decoder knows what stream carries a particular MPEG program or carries data in an MPEG formatted stream.

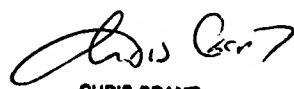
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT  
PRIMARY EXAMINER